

# MAINE STATE LEGISLATURE

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1172, L.D. 1683, "Resolve, Regarding Legislative Review of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a Major Substantive Rule of the Public Utilities Commission"

Amend the resolve by striking out all of section 1 and inserting in its place the following:

'Sec. 1. Adoption with amendment. Resolved: That the final adoption of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a provisionally adopted major substantive rule of the Public Utilities Commission and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized only if the rule is amended as follows:

1. Section 4, paragraph C, subparagraph (1) is amended to provide that a purchaser of capacity and energy has no recourse against a utility in the event the owner or operator of the generation asset does not provide the expected amount of capacity or energy or otherwise defaults;

2. Section 6, paragraph B, subparagraph (2) is amended to define the on-peak period as Monday through Friday from 7 a.m. to 11 p.m., except for holidays recognized by the New England independent system operator or the equivalent entity in the Maritimes Control Area; and

3. Section 6, paragraph B, subparagraph (2) is amended to provide that a utility, to the extent it has actual knowledge at the time it issues a request for bids, shall provide for each facility whose output is subject to the bidding requirements a description of any contractual provision or other factor that

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will have the effect of substantially changing the amount of output of a facility during the bid period and a description of any subsequent divestiture that may apply during the bid period.

The Public Utilities Commission is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.'

Further amend the resolve by inserting at the end before the summary the following:

**FISCAL NOTE**

The Public Utilities Commission will incur some minor additional costs to issue orders, review bids and contracts and administer other provisions related to the sale of capacity and energy of generation assets. These costs can be absorbed within the commission's existing budgeted resources.'

**SUMMARY**

This amendment authorizes the Public Utilities Commission to finally adopted its rule, Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, only if the rule is amended as follows:

1. Section 4, paragraph C, subparagraph (1) is amended to provide that a purchaser of capacity and energy has no recourse against a utility in the event the owner or operator of the generation asset does not provide the expected amount of capacity or energy or otherwise defaults;

2. Section 6, paragraph B, subparagraph (2) is amended to define the on-peak period as Monday through Friday from 7 a.m. to 11 p.m., except for holidays recognized by the New England independent system operator or the equivalent entity in the Maritimes Control Area; and

3. Section 6, paragraph B, subparagraph (2) is amended to provide that a utility, to the extent it has actual knowledge at the time it issues a request for bids, shall provide for each facility whose output is subject to the bidding requirements a description of any contractual provision or other factor that will have the effect of substantially changing the amount of

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2 output of a facility during the bid period and a description of  
any subsequent divestiture that may apply during the bid period.

4 This amendment also adds a fiscal note to the resolve.

# COMMITTEE AMENDMENT